

S/L 12
09.02.2024
Court No.14
SD

WPA 3115 of 2024

XXX

Vs.

The State of West Bengal & Ors.

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

...for the Petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Perused the case diary including the statement of the victim girl made under Section 164 of the Code of Criminal Procedure.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondent no.4 is a local goon. He had been following and threatening the minor daughter of the petitioner for sometime. One day he along with his antisocial friends kidnapped the petitioner's daughter forcibly, put vermilion on her forehead and enacted a sham marriage without the consent of the victim girl or her family members. Initially, the police did not register an FIR. This prompted the petitioner to file an application under Section 156(3) of the Code of Criminal Procedure. Only after this, an FIR was registered and the victim girl could be rescued from the clutches of the respondent no.4. Although

several persons have been named in the FIR, the others are not being proceeded against. The men and agents of the private respondent no.4 are creating such pressure and atmosphere of terror in the locality that the petitioners are even unable to enter their residence.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. No FIR was initially registered because the victim girl had herself come to the police station and gave a letter dated 28.4.2023 stating that she was a major and of her own volition she had married the respondent no.4. It is clear from the birth certificate made available by the lady that she was a major. However, it appears that the lady changed her stand once the petitioner was able to start a case and the victim was produced before the learned Magistrate. However, taking everything into consideration, especially the statement of the victim under Section 164 of the Code, the private respondent no.4 was arrested. He is still in custody. The police are in the look out to arrest the others.

It is a case where the victim lady has allegedly taken two different stands at two points of time. However, at this stage, the statement of the victim given before the Magistrate has to be given precedence. It is for the trial court to find out, in the event the trial ensues, about the truth of the matter.

The police authority shall investigate the offences as per mandate of law and conclude the investigation as expeditiously as possible.

In the event the petitioner wants to return her residence, the petitioner shall intimate the intended date and time of return to her residence to the Officer-in-Charge, Jorabagan Police Station with 24 hours' notice. The Officer shall then make necessary arrangement to escort her back to her residence accompanied by armed police personnel. The entry to the residence shall be videographed.

The police authority shall further ensure that no harm is done to the victim or her family members. For this, they shall regularly send police patrol in the area.

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to approach the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, WPA 3115 of 2024 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)